

AMENDED IN ASSEMBLY MAY 27, 2014

SENATE BILL

No. 1345

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cannella, Evans, Fuller, Hueso,
Jackson, Lara, Monning, and Wolk)**

February 21, 2014

An act to amend Section 4597.22 of the Public Resources Code, and to amend Sections ~~8704.2~~ 8704.2, 73502, and 73514 of the Water Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Committee on Natural Resources and Water. ~~Natural Resources: resources.~~

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection. A violation of the act is a crime.

Existing law authorizes a person who intends to become a working forest landowner, as defined, to file a working forest management plan with the department, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. Existing law requires the working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved plan, and who plans to harvest any of the timber during a given year, to file a working forest harvest notice, as defined, with the department in writing. Existing law

exempts the Southern Subdistrict of the Coast Forest District, as described in regulations, from these provisions.

This bill would correct an erroneous ~~cross-reference~~ *cross-reference* to the regulations describing the Southern Subdistrict of the Coast Forest District.

Existing law provides the Central Valley Flood Protection Board with the authority to construct and maintain various flood control works. Existing law makes it unlawful for any person or public agency to interfere with, obstruct the performance, maintenance, or operation of, or otherwise take actions that may adversely affect facilities of the State Plan of Flood Control, designated floodways, or streams that are regulated by the board. Existing law authorizes the board to order the removal, modification, or abatement of an encroachment, flood system improvement, or activity causing a violation, as specified, and to collect the costs from the responsible party by whatever legal remedy is available, including, the placement of a lien on the responsible party's property. Existing law authorizes the board or the board's designee to record the lien with the county clerk in the county where the party's property is located.

This bill would make a nonsubstantive change to these provisions.

Existing law, the Wholesale Regional Water System Security and Reliability Act, requires the City and County of San Francisco to adopt a specified program of capital improvement projects designed to restore and improve the bay area regional water system, ~~as defined, and to submit a report, on or before September 1 of each year, to various entities describing the progress made on the implementation of the capital improvement program during the previous fiscal year. Existing law requires a regional wholesale water supplier to annually submit a report to the Legislature and the State Department of Public Health describing the progress made on securing supplemental sources of water to augment existing supplies during dry years. defined. Existing law requires, no later than 90 days after receiving from the city and county notice of certain changes to the program or postponements of the scheduled completion dates, the Seismic Safety Commission and the State Department of Public Health to each submit to the city and county and the Joint Legislative Audit Committee written comments with regard to the significance of the change with respect to public health and safety. Existing law makes the act inoperative and repeals these provisions on January 1, 2015.~~

This bill would *extend the time the Seismic Safety Commission and the State Department of Public Health would have to submit the written comments to 120 days and would extend the repeal date of the act to January 1, 2022*. By extending the period of time during which certain requirements would apply to regional wholesale water suppliers and the City and County of San Francisco, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4597.22 of the Public Resources Code
2 is amended to read:
3 4597.22. This article ~~shall~~ *does* not apply to the Southern
4 Subdistrict of the Coast Forest District, as described in Section
5 895.1 of Title 14 of the California Code of Regulations.
6 SEC. 2. Section 8704.2 of the Water Code is amended to read:
7 8704.2. (a) Pursuant to subdivision (f) of Section 8701.4, the
8 board or the board's designee shall have the authority to record a
9 lien with the county recorder in the county of this state where the
10 person's or agency's property responsible for the violation is
11 located, to recover any and all of the following:
12 (1) Costs incurred in abating, removing, and restoring a
13 violation, including, but not limited to, costs incurred in seeking
14 modification, removal, abatement, or restoration pursuant to this
15 part.
16 (2) Costs incurred in the summary abatement of emergencies.
17 (3) Attorney's fees associated with actions to enforce this part.
18 (b) A lien recorded pursuant to this section shall have the same
19 force, effect, and priority as a judgment lien.
20 (c) Before recording a lien, the board shall provide notice and
21 an opportunity for a hearing to contest the amount of the lien.
22 (1) Notice shall be provided at least 20 days before the hearing
23 pursuant to Section 8703.

(2) The hearing required by this section may be satisfied by an enforcement order hearing pursuant to Section 8701.4 or, in the summary abatement of emergencies, a hearing pursuant to Section 8708.

SEC. 3. Section 73502 of the Water Code is amended to read:

73502. (a) The city, on or before February 1, 2003, shall adopt the program of capital improvement projects designed to restore and improve the bay area regional water system that are described in the capital improvement program report prepared by the San Francisco Public Utilities Commission dated February 25, 2002. A copy of the program shall be submitted, on or before March 1, 2003, to the State Department of ~~Health Services~~ *Public Health*. The program shall include a schedule for the completion of design and award of contract, and commencement and completion of construction of each described project. The schedule shall require that projects representing 50 percent of the total program cost be completed on or before 2010 and that projects representing 100 percent of the total program cost be completed on or before 2015. The program shall also contain a financing plan. The city shall review and update the program, as necessary, based on changes in the schedule set forth in the plan adopted pursuant to subdivision (d).

(b) The plan shall require completion of the following projects:

Project	Location	Project Identification Number
1. Irvington Tunnel Alternative	Alameda/Santa Clara Counties	9970
2. Crystal Springs Pump Station & Pipeline	San Mateo County	201671
3. BDPL 1 & 2-Repair of Caissons/Pipe Bridge	Alameda/San Mateo Counties	99
4. BDPL Pipeline Upgrades at Hayward Fault	Alameda County	128
5. Calaveras Fault Crossing Upgrade	Alameda County	9897
6. Crystal Springs Bypass Pipeline	San Mateo County	9891

1	7. BDPL Cross Connections 3 &	Alameda/Santa	202339
2	4	Clara Counties	
3	8. Conveyance Capacity West of	Alameda/Santa	201441
4	Irvington Tunnel	Clara/San Mateo	
5		Counties	
6	9. Calaveras Dam Seismic	Alameda County	202135
7	Improvements		

8
9 (c) The city shall submit a report to the Joint Legislative Audit
10 Committee, the *Alfred E. Alquist* Seismic Safety Commission, and
11 the State Department of Public Health, on or before September 1
12 of each year, describing the progress made on the implementation
13 of the capital improvement program for the bay area regional water
14 system during the previous fiscal year. The city shall identify in
15 the report any project that is behind schedule, and, for each project
16 so identified, shall describe the city's plan and timeline for either
17 making up the delay or adopting a revised schedule pursuant to
18 subdivision (d).

19 (d) (1) The city may determine that completion dates for
20 projects contained in the capital improvement program adopted
21 pursuant to subdivision (a), including those projects described in
22 subdivision (b), should be delayed or that different projects should
23 be constructed.

24 (2) The city shall provide written notice, not less than 30 days
25 ~~prior to~~ before the date of a meeting of the city agency responsible
26 for management of the bay area regional water system, that a
27 change in the program is to be considered. The notice shall include
28 information about the reason for the proposed change and the
29 availability of materials related to the proposed change. All bay
30 area wholesale customers shall be permitted to testify or otherwise
31 submit comments at the meeting.

32 (3) If the city adopts a change in the program that deletes one
33 or more projects from the program, or postpones the scheduled
34 completion dates, the city shall promptly furnish a copy of that
35 change and the reasons for that change to the State Department of
36 Public Health and the *Alfred E. Alquist* Seismic Safety
37 Commission. The State Department of Public Health and the *Alfred*
38 *E. Alquist* Seismic Safety Commission shall each submit written
39 comments with regard to the significance of that change with
40 respect to public health and safety to the city and the Joint

1 Legislative Audit Committee not later than ~~90~~ 120 days after the
2 date on which those entities received notice of that change.
3 ~~SEC. 3.~~
4 SEC. 4. Section 73514 of the Water Code is amended to read:
5 73514. This division shall remain in effect only until January
6 1, 2022, and as of that date is repealed, unless a later enacted
7 statute, that is enacted before January 1, 2022, deletes or extends
8 that date.
9 ~~SEC. 4.~~
10 SEC. 5. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 a local agency or school district has the authority to levy service
13 charges, fees, or assessments sufficient to pay for the program or
14 level of service mandated by this act, within the meaning of Section
15 17556 of the Government Code.